

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION**

Case No. 5:22-00068-BO

YOLANDA IRVING, individually and as the natural parent and guardian of J.I., JUWAN HARRINGTON, CYDNEEA HARRINGTON, KENYA WALTON, individually and as the natural parent and guardian of R.W., ZIYEL WHITLEY, DYAMOND WHITLEY, KAMISHA WHITLEY, NANETTA GRANT as the natural parent and guardian of Z.G., and EMANCIPATE NC, INC.,

Plaintiffs,

v.

THE CITY OF RALEIGH, OFFICER OMAR I. ABDULLAH, SERGEANT WILLIAM ROLFE, OFFICER RISHAR PIERRE MONROE, OFFICER JULIEN DAVID RATTELADE, OFFICER MEGHAN CAROLINE GAY, JOHN and JANE DOE OFFICERS 1-10, in their individual capacities, Chief of Police ESTELLA PATTERSON, and City Manager MARCHELL ADAMS-DAVID, in their official capacities,

Defendants.

**CONSENT MOTION FOR EXTENSION
OF TIME TO ANSWER OR
OTHERWISE RESPOND TO
PLAINTIFFS' AMENDED COMPLAINT**

Pursuant to Rule 6(b) of the Federal Rules of Civil Procedure, Defendant Omar Abdullah ("Defendant Abdullah"), by and through counsel, hereby moves for an extension of thirty (30) days, up to and including June 30, 2022, in which to answer or otherwise respond to Plaintiffs' Amended Complaint [D.E. 41] to coincide with the deadline also requested by other Defendants. In support of this Motion, Defendant Abdullah shows the Court the following:

1. The Complaint in this action was filed by the Plaintiffs on February 22, 2022.
2. The Summons and Complaint were served upon Defendant Abdullah on or about March 1, 2022.
3. Defendant Abdullah timely filed a Consent Motion for Extension of Time to Answer or Otherwise Respond to Plaintiff's Complaint on March 21, 2022, which was granted by the Court on the same day, thereby extending the deadline for Defendant Abdullah to file a response to the Complaint to April 30, 2022.
4. Defendant Abdullah filed his Answer to the Plaintiff's Complaint on April 29, 2022.
5. Subsequently, Plaintiffs filed an Amended Complaint on May 16, 2022 adding Emancipate NC, Inc., as a party Plaintiff and also adding Chief of Police Estella Patterson and City Manager Marchell Adams-David as Defendants to this action.
6. In addition to adding the aforementioned parties, the Amended Complaint also includes additional allegations against Defendant Abdullah.
7. Pursuant to Fed. R. Civ. P. 15(a)(3), Defendant Abdullah must answer or otherwise respond to the Plaintiffs' Amended Complaint within fourteen (14) days after service.
8. The time for responding to the Plaintiffs' Amended Complaint has not yet expired. Defendant Abdullah's Answer or responsive pleading is currently due on May 31, 2022.
9. The undersigned needs additional time to confer with Defendant Abdullah, to fully investigate the new allegations in the Amended Complaint, and to collect relevant information in order to sufficiently formulate an appropriate response.
10. Defendant Abdullah requests a thirty (30) day extension of time in which to answer or otherwise respond to the Amended Complaint, up to and including June 30, 2022.

11. Pursuant to Local Civil Rule 6.1, counsel for Defendant Abdullah consulted with Counsel for Plaintiffs regarding this Motion and Plaintiffs consent to the extension requested herein.

12. This Motion is made in good faith and not for purposes of delay. No party will be prejudiced by the requested extension.

13. A proposed Order granting this Motion is submitted contemporaneously herewith.

WHEREFORE, Defendant Omar Abdullah hereby requests that the Court issue an Order granting the relief requested herein and extending the time within which Defendant Abdullah must answer or otherwise respond to the Plaintiffs' Amended Complaint by thirty (30) days, up to and including **June 30, 2022**.

Respectfully submitted this the 27th day of May, 2022.

/s/ Jason R. Benton

Jason R. Benton

N.C. State Bar No. 27710

Daniel E. Peterson

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Attorney for Defendant Omar Abdullah

CERTIFICATE OF SERVICE

The undersigned hereby certifies that, on this date, the foregoing “*Consent Motion for Extension of Time to Answer or Otherwise Respond to Plaintiffs’ Amended Complaint*” was electronically filed with the Clerk of Court using the CM/ECF system and served upon counsel of record via the Court’s electronic case filing system.

This the 27th day of May, 2022.

/s/ Jason R. Benton _____

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